

Chapter 5.20

LIQUOR

Sections:

5.20.010 Definitions.

5.20.020 Liquor control commissioner—Designated— Duties.

5.20.030 License required when.

5.20.040 License application requirements.

5.20.050 Persons ineligible to be licensed. V

5.20.060 Fee payment—License termination date.

5.20.070 License classifications and fees designated.

5.20.080 Number of licenses issued.

5.20.090 Disposition of fees.

5.20.100 List of licenses issued.

5.20.110 Transfer of license.

5.20.120 Change of location.

5.20.130 Location restrictions.

5.20.140 Predominantly residential areas described.

5.20.150 Hours of operation.

5.20.160 Premises to be clean and sanitary.

5.20.170 Employee health requirements.

5.20.180 Limitations on use of original package and other containers.

5.20.190 Transportation.

5.20.200 Restrictions on sales to certain persons.

5.20.210 Peddling prohibited.

5.20.220 License may be suspended or revoked for violation.

5.20.230 Penalty for violation.

5.20.010 Definitions. A. Unless the context otherwise requires, the following terms as used in this chapter shall be construed according to the definitions given below.

1. “Alcoholic liquor” means any spirits, wine, beer, ale, or other liquid containing more than one-half of one percent of alcohol by volume, which is fit for beverage purposes.

2. “Club” means a corporation organized under the laws of this state not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, which conforms to the definition of a club in Chapter 43, Section 95.24 of the Illinois Revised Statutes.

3. “Malt beverage” means all beer, lager beer, ale, stout, porter and the like, which have an alcoholic content of not to exceed fifteen percent of alcohol by volume.

4. “Restaurant” means any public place kept, used, maintained, advertised and held out to the public as a place where meals are served, and where meals are actually and regularly served without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests.

5. “Retail sale” means the sale for use or consumption and not for resale.

6. “Sale” means any transfer, exchange or barter in any manner or by any means, whatsoever, for a consideration and includes and means all sales made by any person, whether principal, proprietor, agent, servant or employee.

7. “Vinous beverage” means any alcohol obtained by the fermentation of the natural contents of fruits or vegetables containing sugar, including such beverages when fortified by the addition of alcohol or spirits by the manufacturer, the alcoholic content of which shall not exceed twenty-one percent of alcohol by volume.

B. Any other terms used in this chapter shall be construed according to the definitions given in Chapter 43, Section 95 et seq. of the Illinois Revised Statutes. (Prior code § 13.101).

5.20.020 Liquor control commissioner — Designated — Duties. The mayor shall be the liquor control commissioner for the city and whenever the liquor control commissioner is referred to in this chapter, it means the mayor of the city.

It shall be the duty of the liquor control commissioner to issue licenses for the sale at retail of alcoholic beverages within the city and to see to the enforcement of this chapter regulating the sale of alcoholic liquor including suspension or revocation of liquor licenses then outstanding. (Prior code § 13.103).

5.20.030 License required when. It is unlawful to sell or offer for sale at retail in the city any alcoholic liquor without having a retail liquor dealer’s license, or in violation of the terms of such license. (Prior code § 13.102).

5.20.040 License application requirements. Applications for such licenses shall be made to the mayor/liquor control commissioner, in writing, signed by the applicant if an individual, or by a duly authorized agent thereof, if a club or corporation, verified by oath or affidavit, and shall contain the following information and statements:

A. The name, age and address of the applicant in the case of an individual, in the case of a copartnership, the persons entitled to share in the profits thereof, and in the case of a corporation, the objects for which organized, the names and addresses of the officers and directors, and if a majority interest of the stock of such corporation is owned by one person or his nominee, the name and address of such person;

B. The citizenship of the applicant, the place of his birth, and if a naturalized citizen, the time and place of his naturalization;

C. The character of business of the applicant, and, in case of a corporation, the objects for which it was formed;

D. The amount of goods, wares, and merchandise on hand at the time application is made;

E. The location and description of the premises or place of business which is to be operated under such license;

F. A statement whether applicant has made application for a similar or other license on premises other than described in this application, and the disposition of such application;

G. A statement of whether the applicant has ever been convicted of a felony or felonies and, if so, the nature and substance of the conviction, dates of convictions, and disposition upon sentencing; and a statement that applicant is not disqualified to receive a

license by reason of any matter or thing contained of this chapter, laws of this state, or the ordinances of the city;

H. Whether a previous license by any state or subdivision thereof, or by the federal government has been revoked, and the reasons thereof;

I. A statement that the applicant will not violate any of the laws of the state, or of the United States, or any ordinance of the city in the conduct of his place of business. (Ord. 81-30 § 1, 1980; prior code § 13.104).

5.20.050 Persons ineligible to be licensed. No such license shall be issued to:

A. A person who is not a resident of the city;

B. A person who is not of good character and reputation in the community in which he resides;

C. A person who is not a citizen of the United States, unless he has permanent resident status;

O. A person who has been convicted of a felony under any federal or state law, if the mayor/local liquor commissioner determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust;

E. A person who has been convicted of being the keeper of or is keeping a house of ill fame;

F. A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality;

G. A person whose license under this chapter has been revoked for cause;

H. A person who at the time of application for renewal of any license issued under this chapter would not be eligible for such license upon a first application;

I. A copartnership, unless all of the members of the copartnership are qualified to obtain a license;

J. A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than five percent of the stock of such corporation, would not be eligible to receive a license under this chapter for any reason other than citizenship and residence within the city;

K. A person whose place of business is conducted by a manager or agent unless the manager or agent possesses the same qualifications required of the licensee;

L. A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, or who has forfeited his bond to appear in court to answer charges for any such violation;

M. A person who does not own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is issued;

N. Any law enforcing public official, any mayor or alderman; and no such official shall be interested in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor;

O. Any person, firm or corporation not eligible for a state retail liquor dealers' license; And otherwise meets all of the provisions of Chapter 43, Section 120, entitled, Persons Ineligible to Be Licensed, of the Illinois Revised Statutes. (Ord. 81-38 § 1, 1980; Ord. 81-34 § 1, 1980; Ord. 81-24 § 1, 1980; prior code § 13.105).

5.20.060 Fee payment — License termination date. Each license shall terminate on the thirtieth day of April next following its issuance or on the first day of November following its issuance if the second installment of the annual license fee is not paid when due. License fees shall be due and payable in two installments. The first installment shall be due on or before May 1st and the second installment shall be due and payable on or before the first day of November of each year. The fee to be paid shall be reduced in proportion to the full calendar months which have expired in the year prior to the issuance of the license. (Prior codes 13.106).

5.20.070 License classifications and fees designated. Such licenses are divided into five classes:

A. Class A License. The class A license authorizes the retail sale on the premises specified of alcoholic liquor for consumption on the premises as well as other retail sale of such liquor. The annual fee for such license is eight hundred dollars.

B. Class AA License. The class AA license authorizes the retail sale of alcoholic liquor on the premises specified; provided, however, that the alcoholic liquor sold by virtue of such class AA license shall not be used or consumed on the premises specified. The annual fee for such license is six hundred twenty-five dollars.

C. Class AAA License. The class AAA license authorizes the retail sale of alcoholic liquor on the premises specified; provided, however, no alcoholic liquor shall be sold in package form or any other form so that the same may be removed from the premises and all liquor sold under class AAA shall be used or consumed on the premises specified and alcoholic liquor may be served and sold under and by virtue of a class AAA license only on such hours and time as food is being sold on the premises and no such alcoholic liquor under a class AAA license shall be served at a bar or counter, but must be sold for consumption and served at a table provided primarily for the consumption and serving of food. The annual fee for such license is eight hundred dollars.

D. Class B License. The class B license authorizes the retail sale on the premises specified of malt and vinous liquors only. The annual fee for such license is three hundred fifty dollars.

E. Club License. The club license authorizes the retail sale of all alcoholic liquors on the premises specified. The annual fee for such license is four hundred fifty dollars. Club licenses shall not be included in the limitation on the number of liquor licenses to be issued.

F. Special Event License. A special event liquor license authorizes the retail sale and distribution of all alcoholic liquors on the premises specified. The fee for obtaining such a license shall be twenty-five dollars for each twenty-four-hour period of operation. The application for said license shall describe the premises, including the structure and square footage, upon which the alcoholic liquors are to be sold or distributed and the period of time to be covered by the license. The hours of the event shall be stated on the application subject to approval by the mayor/liquor control commissioner but in no event shall the license be effective for more than a seven-day period. No more than five special event liquor licenses shall be issued in any calendar year. Application for the special event liquor license shall be filed no earlier than January 1 of the year in which the license is to be used. Licenses issued pursuant to this section shall not be transferable. Only recognized nonprofit organizations may apply for a special event liquor license. The

organization applying for such a license must meet the requirements for a liquor license as stated in § 5.20.050 of this code. Any organization applying for a license as described in this section shall provide to the mayor/liquor control commissioner the proof of liability and host liquor dram shop insurance in an amount no less than three hundred thousand dollars and said policy must name the city as a co-insured owner/dram shop operator. An organization may obtain a special event liquor license more than once in any calendar year. Notwithstanding any provision of this section, no alcohol shall be sold or distributed in violation of § 5.20.150 of this code or any other local ordinance or state regulation. (Ord. 2002-4 § 1, 2002: Ord. 91-10, 1990: Ord. 79-22 § 1, 1979: Ord. 514 § 1, 1976: prior code § 13.107).

5.20.080 Number of licenses issued. There shall be issued in the city no more than five class A licenses, two class AA licenses, two class AAA licenses and two class B licenses to be in effect at any time. There is no limit upon the number of club licenses to be in effect in the city at any time. (Ord. 824 § 1, 1981: Ord. 78-9 § 1, 1977: Ord. 513 § 1, 1976: prior code § 13.108).

5.20.090 Disposition of fees. All such fees shall be paid to the mayor at the time application is made and shall be forth with turned over to the city clerk. In the event the license applied for is denied, the fee shall be returned to the applicant; if the license is granted, then the fee shall be deposited in the general corporate fund or in such other fund as has been designated by the council by proper action. (Prior code § 13.109).

5.20.100 List of licenses issued. The mayor shall keep or cause to be kept a complete record of all such licenses issued by him; and shall furnish the city clerk, treasurer and chief of police each with a copy thereof. Upon the issuance of any new licenses or upon the revocation alcoholic liquor, may continue the business of the sale or manufacture of alcoholic liquor under order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent, or such insolvency or bankruptcy until the expiration of such license but not longer than six months after the death, bankruptcy or insolvency of such licensee. Any licensee may renew his license at the expiration thereof, provided he is then qualified to receive a license and the premises for which such renewal license is sought are suitable for such purpose; and provided further, that the renewal privilege provided for herein shall not be construed as a vested right which shall in any case prevent the mayor from decreasing the number of licenses to be issued within his jurisdiction. (Prior code 13.111).

5.20.120 Change of location. A retail liquor dealer's license shall permit the sale of alcoholic liquor only in the premises described in the application and license. Such location may be changed only upon the written permit to make such change issued by the mayor. No change of location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the law of this state and the ordinances of the city. (Prior code § 13.112).

5.20.130 Location restrictions. No license shall be issued for the sale at retail of any alcoholic liquor within one hundred feet of any church, school, hospital, home for aged or indigent persons or for veterans, their wives or children or any military or naval station; provided, that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, or to restaurants, food shops or other places where sale of alcoholic liquors is not the principal business carried on, if such place of business so exempted has been established for such purposes prior to the taking effect of the ordinance codified in this chapter. No person shall hereafter engage in business as a retailer of any alcoholic liquor within one hundred feet of any undertaking establishment or mortuary. (Prior code § 13.117).

5.20.140 Predominantly residential areas described. It is determined that the following described portions of the city are predominantly residential in character:

All that part of the city of Hoopeston, Illinois, excepting the district bounded as follows: Starting at a point at the southwest corner of Lukens Subdivision; thence north along the east line of the Louisville and Nashville Railroad right-of-way, to the north line of the Norfolk and Western Railroad right-of-way; thence east along the north line of said right-of-way to the southwest corner of Satterthwaite's Subdivision; thence north along the west line of said subdivision to the south line of Seminary Avenue; thence east along the south line of said Seminary Avenue to the northeast corner of Davis's Subdivision; thence south to the north line of the Norfolk and Western Railroad right-of-way; thence east along the north line of said right-of-way to the west line of Third Street; thence south along the west line of Third Street to the north line of the alley between Main Street and Penn Street; thence west along the north line of said alley to the west line of Bank Street; thence south along the west line of Bank Street to the north line of Penn Street; thence west along the north line of Penn Street; thence west along the north line of Penn Street; thence west along the north line of Penn Street to the place of beginning.

ALSO excepting Lot sixty in H.L Chase's Third Addition to Hoopeston, Lots one, and two in G.C. Davis's Subdivision of Lots one hundred fifty and one hundred fifty-one, in the Original Town of Hoopeston, and Lots one, two and three in Honeywell's Second Addition to Hoopeston.

ALSO excepting Lots eighteen, nineteen and twenty in H.L. Chase's Second Addition to the city of Hoopeston. (Prior code § 13.116).

5.20.150 Hours of operation. A. It is lawful to sell liquor at retail during the following hours:

1. Monday, six a.m. to twelve midnight;
2. Tuesday, six am. to twelve midnight;
3. Wednesday, six a.m. to twelve midnight;
4. Thursday, six a.m. to twelve midnight;
5. Friday, six a.m. to one a.m. Saturday;
6. Saturday, six a.m. to one a.m. Sunday.
7. Sunday, Noon to ten p.m., EXCEPT when New Year's Eve occurs on Sunday, then hours of operation shall be from Noon to one a.m. Monday. When New Year's Eve

occurs Monday through Saturday, then hours of operation shall be from six a.m. until one a.m. the following day.

B. It is unlawful to sell or offer for sale at retail any alcoholic liquor in the city at any other time than stated above. Patrons are to be off establishment premises by closing hour.

C. It is unlawful to keep open for business or to admit the public to any premises in or on which alcoholic liquor is sold at retail during the hours in which the sale of such liquor is prohibited; provided, that in the case of restaurants, clubs and hotels, such establishments may be kept open during such hours, but no alcohol shall be sold to or consumed by the public during such hours. (Ord. 2004-3 § 1, 2003: Ord. 2002-5 § 1, 2002: prior code § 13.118).

5.20.160 Premises to be clean and sanitary. All premises used for the retail sale of alcoholic liquor, or for the storage of such liquor for such sale, shall be kept in a clean and sanitary condition, and shall be kept in full compliance with the ordinances regulating the condition of premises used for the storage or sale of food for human consumption. (Prior code § 13.114)

5.20.170 Employee health requirements. It is unlawful to employ in any premises used for the retail sale of alcoholic liquor any person who is afflicted with, or who is a carrier of, any contagious, infectious or venereal disease; and it is unlawful for any person who is afflicted with or a carrier of any such disease to work in or about any premises or to engage in any way in the handling, preparation or distribution of such liquor. (Prior code § 13.115).

5.20.180 Limitations on use of original package and other containers. No person, excepting a manufacturer or distributor or importing distributor, shall fill or refill, in whole or in part, any original package of alcoholic liquor, and it is unlawful for any person to have in his possession for sale at retail any bottles, casks, or other containers containing alcoholic liquor, except in the original package. "Original" means any bottle, flask, jug, can, cask, barrel, keg, hogshead or other receptacle or container whatsoever, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor, to contain and to convey any alcoholic liquor. (Prior code § 13.120).

5.20.190 Transportation. No person shall transport, carry, possess or have any alcoholic liquor in or about any motor vehicle except in the original package and with the seal unbroken. (Prior code § 13.122).

5.20.200 Restrictions on sales to certain persons. No person shall give or sell any alcoholic liquor to any minor, to any intoxicated person or to any person known to be a habitual drunkard, insane or feeble-minded. (Prior code § 13.121).

5.20.210 Peddling prohibited. It is unlawful to peddle alcoholic liquor in the city. (Prior code § 13.113).

5.20.220 License may be suspended or revoked for violation. The mayor/liquor control commissioner may suspend or revoke any retail liquor dealer's license for any violation of any provision of this chapter, or for any violation of any state law pertaining to the sale of alcoholic liquor. (Prior code § 13.123).

5.20.230 Penalty for violation. Any person, firm or corporation violating any provisions of this chapter shall be fined as provided in Section 1.1 2.010 for each offense and a separate offense shall be deemed committed on each day during or on which a violation occurs. (Prior code § 13.124).